

KBLK Docket No. 43255  
PDC Docket No.1063-US-000

## DECLARATION, POWER OF ATTORNEY AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled AUTOMATIC BLOOD ANALYSIS AND IDENTIFICATION SYSTEM the specification of which

\_\_\_\_\_ is attached hereto

XXXX was filed on July 9, 2003, and assigned U.S. Patent Application Serial No. 10/616,892  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

### Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day, month, year filed)	Yes	No
(Number)	(Country)	(Day, month, year filed)	Yes	No
(Number)	(Country)	(Day, month, year filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	Filing Date	(Status: Patented, pending, abandoned)
(Application Serial No.)	Filing Date	(Status: Patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Scott W. Kelley (Reg. No. 30,762); Stuart O. Lowry (Reg. No. 26,563); John D. Bauersfeld (Reg. No. 24,496); John E. Kelly (Reg. No. 24,269); Matthew J. Spark (Reg. No. 43,453); and Aaron T. Borrowman (Reg. No. 42,348), all of KELLY BAUERSFELD LOWRY & KELLEY LLP, 6320 Canoga Avenue, Suite 1650, Woodland Hills, California 91367, (818) 347-7900, as my attorneys with full power of substitution and revocation, to prosecute said application and to transact in connection therewith all business in the Patent and Trademark Office and before competent International Authorities.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

**Full name of sole or first inventor** Sam M. Chaoui

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Diamond Bar, California  
Citizenship United States of America  
Post Office Address 21647 High Bluff Road, Diamond Bar, California 91765

**Full name of second inventor, if any** Walter M. Mosher, Jr.

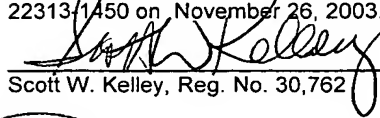
Inventor's signature \_\_\_\_\_ Date 8-25-03  
Residence West Hills, California  
Citizenship United States of America  
Post Office Address 7623 Southby Drive, West Hills, California 91304

**Full name of third inventor, if any** Mark M. Kotik

Inventor's signature \_\_\_\_\_ Date 8/25/03  
Residence Santa Monica, California  
Citizenship United States of America  
Post Office Address 2225 20<sup>th</sup> Street, #6, Santa Monica, California 90405

(Supply similar information and signature for third and subsequent joint inventors)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS: Missing Parts/Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 26, 2003.

  
Scott W. Kelley, Reg. No. 30,762      November 26, 2003  
Date



PDC Docket No. 1063-US-000

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sam M. CHAOUI, et al.

Serial No. 10/616,892

Filing Date: July 9, 2003

Entitled: AUTOMATIC BLOOD ANALYSIS AND  
IDENTIFICATION SYSTEM

Group Art Unit:

Examiner: TBA

Docket No. PREDYN-43255

### DECLARATION OF JULIE L. GUTIERREZ IN SUPPORT OF RESPONSE TO PETITION DUE TO INVENTOR'S REFUSAL TO JOIN IN AN APPLICATION FOR PATENT

I, Julie L. Gutierrez, declare as follows:

1. I am an employee of Precision Dynamics Corporation (PDC), having a place of business at 13880 Del Sur Street, San Fernando, California, 91340. My title is Intellectual Property Administrator and I have been employed with PDC since June 3, 2003. One of my duties as Intellectual Property Administrator is to coordinate and assist our outside counsel in obtaining inventors' signatures on various documents. This includes Declaration and Power of Attorney documents in connection with new patent applications.

2. On May 9, 2003, Sam Chaoui, a named inventor in the present patent application, was laid-off as an employee from PDC. When Mr. Chaoui left PDC, the present patent application was not complete, and Mark Kotik and Walter Mosher took control of the project.

3. When I began my employment with PDC on June 3, 2003, I coordinated revisions with outside counsel and both Mr. Kotik and Dr. Mosher to complete the present patent application. During this time, they made

modifications, additions and contributions to the present application now on file with the U.S. Patent and Trademark Office.

4. On Tuesday, October 7, 2003, I forwarded to Sam Chaoui, a former employee of PDC, to his last known address of 21647 High Bluff Road, Diamond Bar, California 91765, copies of the following documents for his review and signature:

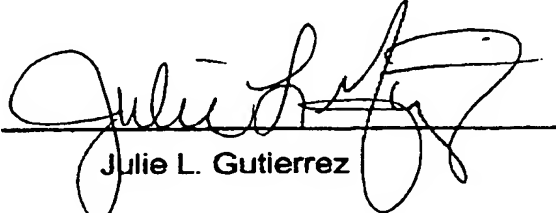
- (i) a copy of the present patent application (specification, claims and drawings) as filed with the USPTO on July 9, 2003,
- (ii) a Declaration and Power of Attorney for patent application, and
- (iii) a patent Assignment document.

5. On Friday, October 10, 2003, at approximately 4:30 in the afternoon, I received a telephone call from Mr. Chaoui. During the telephone call, Mr. Chaoui stated that he had received the package I mailed to him, but was refusing to sign the Declaration and Assignment documents. His reason for refusing to sign the documents is that he believes he should be the sole named inventor on the patent application.

6. I believe Mr. Chaoui to be a disgruntled ex-employee refusing to cooperate with PDC by declining to sign the Declaration and Assignment documents.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

11/23/03  
Date

  
Julie L. Gutierrez